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Attorneys for Christopher Alston and MOVV, LLC.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DOMINICK PORCO, both individually and derivatively :
on behalf of MOVV, LLC, :
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 :
Plaintiff, :
 : Civ. No.1:16-cv-1003(GHW)
 :
 :
 :
- against - : **DEFENDANTS' NOTICE OF**
 : **MOTION TO DISMISS**
 : **PLAINTIFF'S COMPLAINT**
 : **WITH PREJUDICE**
 : **PURSUANT TO FED.R.CIV.**
 : **P. 12(b)(6) (ORAL**
 : **ARGUMENT REQUESTED)**
CHRISTOPHER ALSTON AND MOVV, LLC, :
Defendants, :
 :
 :
- and - :
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 :
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MOVV, LLC, :
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 :
 :
Nominal Defendant. :
 :
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TO: David G. Trachtenberg
Stephen Arena
TRACHTENBEG RODES & FRIEDBERG, LLP
545 Fifth Avenue, Suite 640
New York, NY 10017
Attorneys for Plaintiff Dominick Porco

PLEASE TAKE NOTICE that on June 2, 2016 at 10:00 a.m., or as soon thereafter as
counsel may be heard, Defendants, Christopher Alston and MOVV, LLC, by and through their

attorney, Don M. Tellock, Esq., shall move for an Order dismissing Plaintiff's Complaint for failure to state a claim for which relief can be granted.

PLEASE TAKE FURTHER NOTICE that in support of their Motion, Defendants, rely upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss and Affidavit of Defendant, Christopher Alston, previously filed as Docket entry #8.

PLEASE TAKE FURTHER NOTICE that if opposition is presented, Defendants request oral argument.

Respectfully submitted,

BURGHER GRAY JAFFE LLP

By: s/ Don M. Tellock
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